

IN RE: PETITION FOR SPECIAL HEARING BEFORE THE
W.S. Link Avenue, 570' S
Sulphur Spring Road
(5522 Link Avenue)
13th Election District
1st Councilmanic District
Oscar L. Gibson, Jr., et al.
Petitioners

ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE # 89-355-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request, pursuant to a Special Hearing, approval of the continuation of the usage of a three apartment building at 5522 Link Avenue, as a nonconforming use, existing since 1938, as more particularly described on Petitioner's Exhibit 1.

The Petitioners appeared and testified. The Petitioners were supported in their testimony by Mrs. Genevieve Gibson, Mr. and Mrs. Milton L. Davidson and Mr. William E. Brown. There were no Protestants.

The evidence and testimony tends to indicate that the subject property is zoned D.R.5.5 and consists of 0.143 acres of ground. The property is known as Lot 55, Sulphur Spring Terrace. The subject property is located on Link Avenue in the White Marsh section of Baltimore County. The subject property is developed with a three story frame structure and an existing garage in the rear of the lot. The existing frame structure has a basement apartment, a first floor and a second floor apartment.

The Petitioners' witnesses testified extensively as to the existence over the years of the apartments in this building. Testimony was taken from Mr. and Mrs. Gibson, Mrs. Davidson and Mr. and Mrs. Brown. All of the witnesses testified that the three apartments have existed in this building since 1938 and that there has never been a

lapse in the existence of these apartments. Specifically, the witnesses testified as to their personal knowledge of the operation of the apartments in this building. Each of the witnesses who testified has lived on the subject property in one of the apartments at some period of time from 1926 until the present. All of the witnesses testified that they have had regular and frequent visits to the property during the entire period of 1945 until present and, that they have never known the apartments not to be occupied.

Further evidence establishing nonconforming use in this matter was provided through numerous affidavits marked collectively as Petitioners' Exhibits 2 and 3.

Zoning came officially to Baltimore County on January 2, 1945, when, pursuant to previous authorization by the General Assembly, the County Commissioners adopted a comprehensive set of zoning regulations.

The Commissioners were first authorized to adopt comprehensive planning and zoning regulations in 1939 (Laws of Maryland, 1939, ch. 715). At the next biennial session of the General Assembly, this authorization was repealed, and a new authorization was enacted (Laws of Md., 1941, ch. 247). Before any such regulations were issued, the Legislature authorized the Commissioners to make special exceptions to the regulations (Laws of Md., 1943, ch. 877). The first regulations were adopted and took effect on January 2, 1945. See Kahl v. Cons. Gas Elec. Light. and Pwr. Co., 191 Md. 249, 254, 60 A.2d 754 (1948); Calhoun v. County Board of Appeals, 262 Md. 265, 277 A.2d 589 (1971).

Section II of those regulations created seven zones, four being residential, one commercial, and two industrial. See McKenny v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978).

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Those original regulations provided for nonconforming uses. The statute read as follows:

"A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such nonconforming use to any other use whatsoever, or any attempt to change from such nonconforming use to a different nonconforming use or any discontinuance of such nonconforming use for a period of one year, or in case a nonconforming structure shall be damaged by fire or otherwise to the extent of seventy-five (75%) percent of its value, the right to continue to resume such nonconforming use shall terminate, provided, however, that any such lawful nonconforming use may be extended or enlarged to an extent not more than once again the area of the land used in the original nonconforming use." Section XI, 1945, B.C.Z.R.

Baltimore County adopted a new set of comprehensive zoning regulations on March 30, 1955. The issue of nonconforming uses are dealt with in Section 104 of those regulations. The Section then read:

"104.1 - A lawful nonconforming use existing on the effective date of the adoption of these regulations may continue, provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used."

Section 104.1 was changed to its current language on March 15, 1976 by Bill No. 18-76. The current effective regulation reads as follows:

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"A nonconforming use (as defined in Section 101) may continue except as otherwise specifically provided in these Regulations; provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, or in case any nonconforming business or manufacturing structure shall be damaged by fire or other casualty to the extent of seventy-five (75%) percent of its replacement cost at the time of such loss, the right to continue or resume such nonconforming use shall terminate. No nonconforming building or structure and no nonconforming use of a building, structure, or parcel of land shall hereafter be extended more than 25% of the ground floor area of buildings so used. (B.C.Z.R., 1955; Bill No. 18, 1976)"

On August 4, 1980, the current language found in Section 104.2 was added to the B.C.Z.R. by Bill No. 167-80. This regulation placed an exception upon the general nonconforming rule for Special Exception office buildings. The second reads as follows:

"Exception. Any contrary provision of these regulations notwithstanding, an office building that was authorized by grant of a special exception and that becomes damaged to any extent or destroyed by casualty may be fully restored in accordance with the terms of the special exception. (Bill No. 167, 1980)"

As with all nonconforming use cases, the first task is to determine what lawful nonconforming use existed on the subject property prior to January 2, 1945, the effective date of the adoption of the Zoning Regulations and the controlling date for the beginning of zoning. The evidence tends to indicate that the subject property has been used as three apartments in the larger two story structure, prior to 1945.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not

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the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKenny v. Baltimore County, Md., 39 Md. App. 257, 385 A.2d 96 (1978). The evidence in the record does not indicate any breaks or lapses in the continued nature of the nonconforming use and there does not appear to be any abandonment or cessation of the apartment use within the two story structure.

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;

(b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

The use, clearly, complies with the requirements set forth above for a nonconforming use. The evidence fulfills the elements outlined in McKenny supra, and should be allowed to continue.

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Pursuant to the advertising, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 27th day of April, 1989 that approval of the continuation of the usage of a three apartment building as a nonconforming use at 5522 Link Avenue, existing since 1938, in accordance with Petitioner's Exhibit 1, be and the same is hereby GRANTED, subject, however, to the following restriction:

1. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
Zoning Commissioner for Baltimore County

JRH:mmm
cc: Peoples Counsel

Mr. and Mrs. Milton L. Davidson
811 Janice Drive
Annapolis, Maryland 21403

Mr. and Mrs. Oscar L. Gibson, Jr.
14186 Howard Road
Dayton, Maryland 21036

Mr. and Mrs. William E. Brown
2405 Dixie Lane
Forest Hill, Maryland 21050

ORDER RECEIVED FOR FILING
Date 4/27/89
By J. Robert Haines

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

April 24, 1989

Mr. Oscar L. Gibson, Jr.
Mrs. Doris E. Brown
14186 Howard Road
Dayton, Maryland 21036

Dennis P. Rasmussen
County Executive

RE: Petition for Special Hearing
Case #89-355 SPH
Oscar L. Gibson, Jr., and Doris E. Brown, Petitioners

Dear Mr. Gibson and Mrs. Brown:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner

JRH:mmm
att.
cc: Peoples Counsel

Mr. and Mrs. Milton L. Davidson
811 Janice Drive
Annapolis, Maryland 21403

Mr. and Mrs. William E. Brown
2405 Dixie Lane
Forest Hill, Maryland 21050

ORDER RECEIVED FOR FILING
Date 4/27/89
By J. Robert Haines

PETITION FOR SPECIAL HEARING
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-355-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve the continuation of the usage as a three apartment dwelling at 5522 Link Avenue as it has existed since 1938.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Oscar L. Gibson, Jr.

(Type or Print Name)

Signature

Doris E. Brown

(Type or Print Name)

Signature

14186 Howard Rd.

Address

Dayton, Maryland 21036

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Oscar L. Gibson, Jr.

Name

14186 Howard Rd.

Address

Dayton, Maryland 21036

City and State

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day

of 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County, on the 27th day of April, 1989, at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

ZCO-No. 1

(over)

ANAREX, INC.
DEVELOPMENT SERVICES
ENGINEERS - SURVEYORS
EXPEDITORS - PLANNERS
503 RITCHIE HIGHWAY SUITE 1E
SEVERNA PARK, MARYLAND 21146-2906
DESCRIPTION OF LOT 55
SULPHUR SPRING TERRACE
PLAT TWO
5522 LINK AVENUE
BALTIMORE COUNTY, MARYLAND

November 28, 1988

TELEPHONE
844-0234
844-0235

BEGINNING FOR THE SAME at an iron pipe found on the West side of Link Avenue, 50 feet wide, at a point marking the division line between Lots 55 and 54 and 300 feet North of "the Road, all of which is shown on the plat of "Sulphur Spring Terrace, Plat Two," recorded among the Plat Records of Baltimore County in Plat Book 7, Page 193; thence leaving said point of beginning and running with and binding along said avenue, with bearings referred to Magnetic Meridian, 1982,

- 1) Due South 50.00 feet to an iron pipe set in a driveway; thence leaving said drive, and running with and binding along the division line between Lots 55 and 56 of said plat,
- 2) Due West 125.00 feet to an iron pipe found; thence continuing around the boundary of said Lot 55,
- 3) Due North 50.00 feet to a point marking the division line of said Lots 55 and 54; thence running with and binding thereon,
- 4) Due East 125.00 feet to the point of beginning.

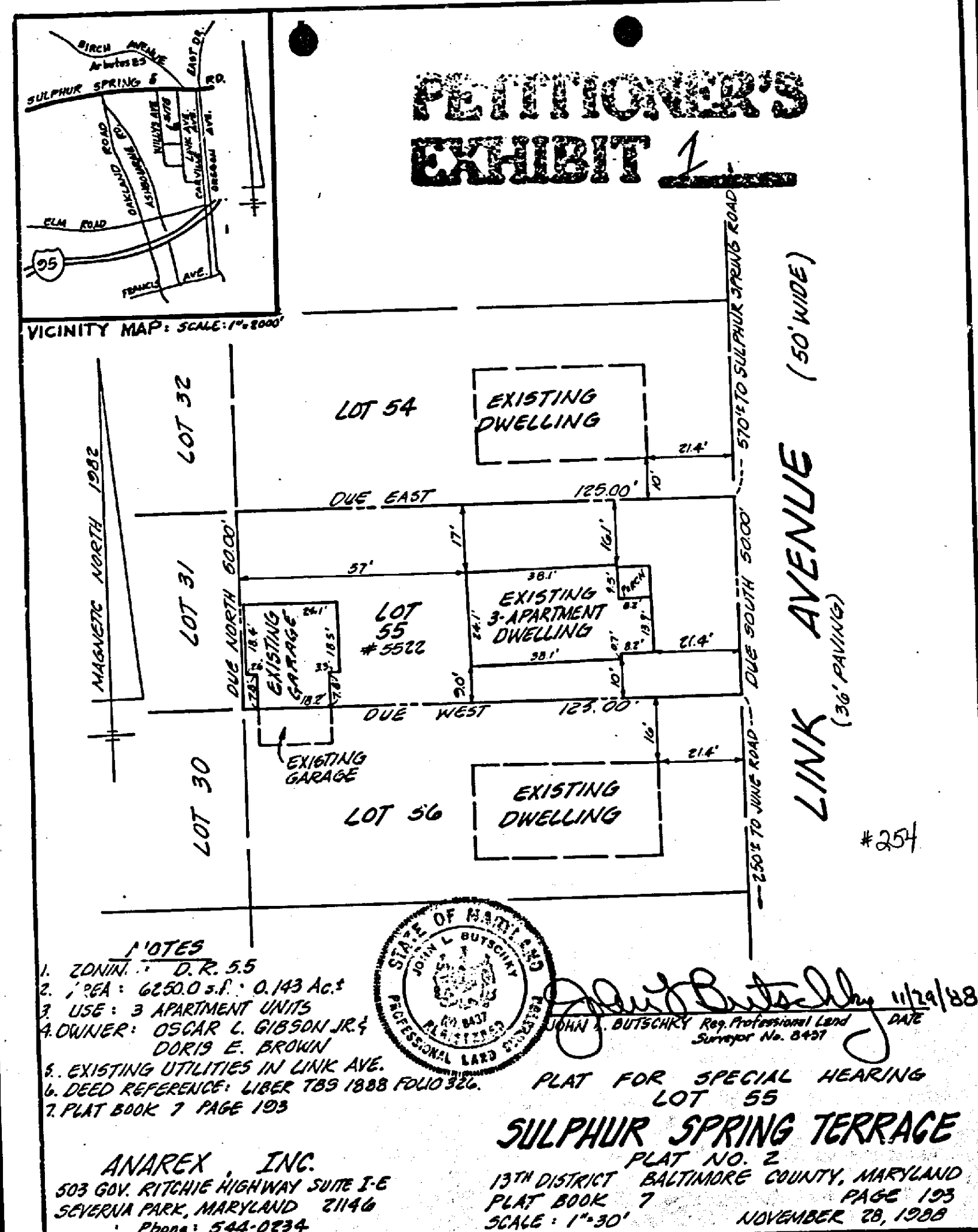
Being known as 5522 Link Avenue

Being the same lot described in the deed between Effie G. Breeden and Oscar L. Gibson by Deed dated October 6, 1950 and recorded among the Land Records of Baltimore County, Maryland in Liber 1888, Folio 326.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Don E. Brown</i>	2405 Dixie La. Forest Hill Md 21050
<i>William E. Brown</i>	4186 Howard Rd., Dayton Md.
<i>Mary D. Davidson</i>	811 Janice Dr., Annapolis Md. 21403
<i>William E. Brown</i>	2405 Dixie La. Forest Hill Md 21050
<i>Milton L. Davidson</i>	71 Janice Dr., Annapolis Md. 21403
<i>Sheila M. Donovan</i>	14186 Howard Rd. Dayton Md. 21036



PETITIONER'S EXHIBIT 2

TO: The Zoning Commissioner of Baltimore County
RE: CASE NUMBER: 89-355-SPH
SUBJECT: Three Apartment Dwelling
5522 Link Ave.
Baltimore, Md. 21227
OWNERS: Oscar L. Gibson, Jr. and Doris E. Brown

For your convenience, we are listing below the names and addresses of the affiants on the attached Affidavits which confirm that the subject dwelling has been occupied continuously as a three apartment dwelling since 1938:

Hazel M. Agnass	1311 Walnut Ave., Baltimore, Md. 21227
Doris E. Brown	2405 Dixie La., Forest Hill, Md. 21050
William E. Brown	2405 Dixie La., Forest Hill, Md. 21050
Mary V. Davidson	811 Janice Dr., Annapolis, Md. 21403
Milton L. Davidson	811 Janice Dr., Annapolis, Md. 21403
Sheila M. Donovan	14186 Howard Rd., Dayton, Md. 21036
Genevieve D. Gibson	14186 Howard Rd., Dayton, Md. 21036
Oscar L. Gibson, Jr.	14186 Howard Rd., Dayton, Md. 21036
Constance M. Reuling	Meridian Nursing Center/Towson, Md. 5520 Link Ave., Baltimore, Md. 21227
Louise A. Wolf	5417 East Dr., Baltimore, Md. 21227
Robert F. Wolf	5417 East Dr., Baltimore, Md. 21227
Ann T. Young	5521 Willys Ave., Baltimore, Md. 21227
Stanley R. Young, Jr.	5521 Willys Ave., Baltimore, Md. 21227

AFFIDAVIT

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant and Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Dorothy A. Bosley
AFFIANT (Handwritten Signature)
DOROTHY A. BOSLEY
AFFIANT (Printed Name)

Based upon your personal knowledge, please answer the following questions by indicating yes or no in the space provided:

1. Can you verify by this affidavit, and/or testify in Court if necessary, that the home located at 5522 LINK AVE BALTIMORE, MD 21227 has been occupied as a THREE apartment dwelling since (two, three, etc.)
JULY 1960? YES
(month) (year) (answer)
2. Can you also verify and testify, if necessary, that said apartments have been occupied by renters every year since JULY 1960? YES
(month) (year) (answer)
3. Will you realize any gain from the sale of this Property? No
(answer)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

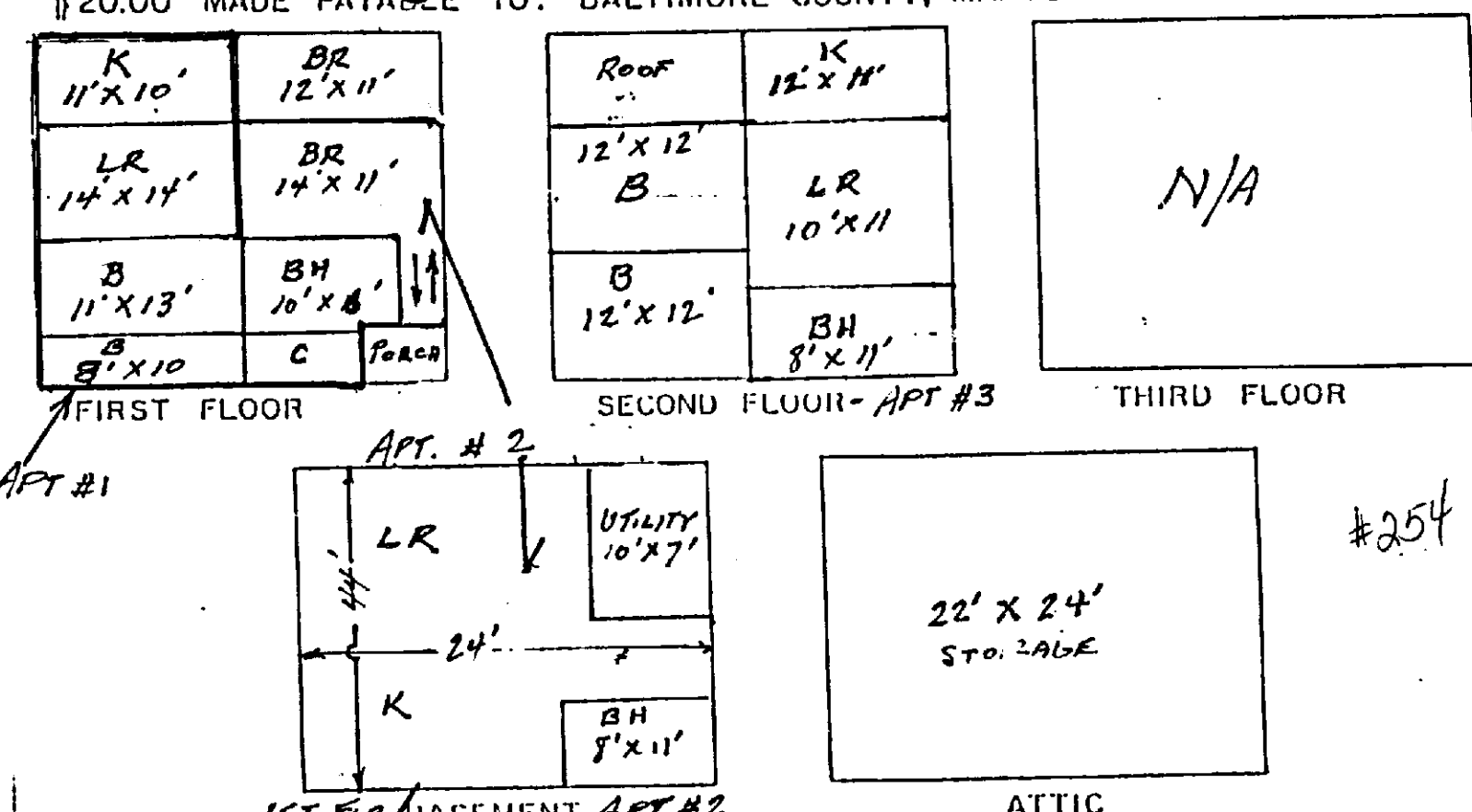
I HEREBY CERTIFY, this 17th day of November, 1988, before me, a Notary Public of the State of Maryland, in and for the County of Baltimore, personally appeared *Dorothy A. Bosley*, the Affiant herein, personally known or satisfactorily identified to me as such Affiant, and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notary Seal.

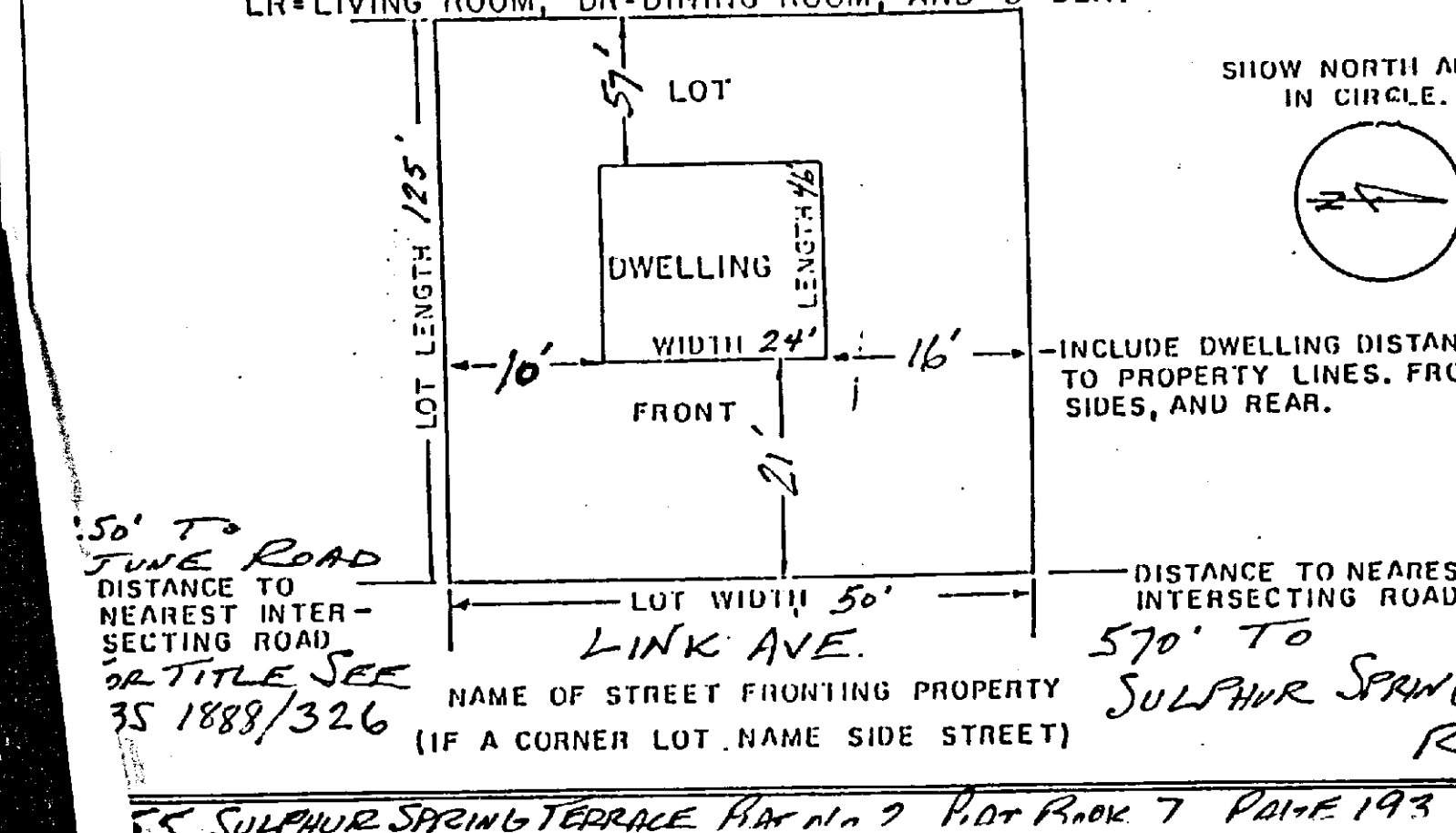
Green S. Beal
NOTARY PUBLIC
My Commission Expires: 7/1/90

PETITIONER'S EXHIBIT 3

THIS SHEET TO BE SUBMITTED WITH 2 APARTMENT AFFIDAVIT AND A CHECK FOR \$20.00 MADE PAYABLE TO: BALTIMORE COUNTY, MARYLAND



DIRECTIONS: DRAW IN EACH ROOM AND MARK ITS USE/LENGTH AND WIDTH. MARK WHICH FLOOR HAS APARTMENT. IF DWELLING IS SEMI DETACHED USE 1 SHEET FOR EACH APARTMENT.
LEGEND: K=KITCHEN, B=BEDROOM, RH=BATH, S=STORAGE, C=CLOSET, LR=LIVING ROOM, DR=DINING ROOM, AND D=DEN.



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 13th
Posted for: Special Hearing
Petitioner: Oscar L. Gibson, Jr. et al.
Location of property: 5522 Link Ave., 5701 S. Sulphur Spring Rd.
Location of Sign: In front of 5522 Link Ave.
Remarks: See front of 5522 Link Ave.
Posted by: J. J. Galt
Number of Signs: 1
Date of return: February 17, 1989

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 13th
Posted for: Special Hearing
Petitioner: Oscar L. Gibson, Jr. et al.
Location of property: 5522 Link Ave., 5701 S. Sulphur Spring Rd.
Location of Sign: In front of 5522 Link Ave.
Remarks: See front of 5522 Link Ave.
Posted by: J. J. Galt
Number of Signs: 1
Date of return: 7/24/89

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed rezoning of the property located at 5522 Link Avenue, 5701 S. Sulphur Spring Road, in the City of Baltimore, Maryland, from its present zoning of R-1 to R-2. The hearing will be held on Monday, February 13, 1989, at 7:00 P.M. at the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204. The hearing will be held in Room 108 of the County Office Building. The hearing will be held in Room 108 of the County Office Building. The hearing will be held in Room 108 of the County Office Building.

Office of PATUXENT Publishing Company

10750 Little Patuxent Pkwy.
Columbia, MD 21044

THIS IS TO CERTIFY, that the annexed advertisement of

was inserted in the following: X THE JEFFERSONIAN
☐ Catonsville Times
☒ Arbutus Times
☐ Reporter Weekly
☐ Oowings Mills Flier
☐ Towson Flier

weekly newspapers published in Baltimore County, Maryland once a week for _____ successive weeks before the _____ day of _____, 19____, that is to say, the same was inserted in the issues of

February 16, 1989

PATUXENT PUBLISHING COMPANY
By *S. Zake*

PO 09756
reg M25261
price 64.31

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

Date: 2/28/89

Mr. Oscar L. Gibson, Jr.
Ms. Doris E. Brown
14108 Howard Road
Dayton, Maryland 21036

Re: Petition for Special Hearing
Case Number 89-355-SPH
Date of Hearing: March 8, 1989 at 9:00 a.m.

Dear Petitioners:

Please be advised that \$79.21 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 087544
DATE: April 1, 1989 ACCOUNT: 89-355-SPH
RECEIVED FROM: Oscar L. Gibson, Jr.
AMOUNT: \$ 79.21
FOR: Petition & Advertising (89-355-SPH)
VALIDATION OR SIGNATURE OF CASHIER
CC: File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

February 6, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
CASE NUMBER: 89-355-SPH
WS Link Avenue, 570' S Sulphur Spring Road
5522 Link Avenue
13th Election District - 1st Councilmanic
Petitioner(s): Oscar L. Gibson, Jr., et al
HEARING SCHEDULED: WEDNESDAY, MARCH 8, 1989 at 9:00 a.m.

Special Hearing: The continuation of the usage of a three apartment dwelling at 5522 Link Avenue as it has existed since 1938.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
Oscar L. Gibson, Jr.
Doris E. Brown
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

February 27, 1989

NOTICE OF REASSIGNMENT

CASE NUMBER 89-355-SPH

PETITIONER(S) Oscar L. Gibson, Jr., et al

LOCATION 5522 Link Avenue

THE ABOVE MATTER, 'ORIGINALLY SCHEDULED TO BE HEARD ON

March 8, 1989

HAS BEEN REASSIGNED.

THE NEW HEARING DATE IS Thursday, April 6, 1989 at 9:00 a.m.

J. ROBERT HAINES
ZONING COMMISSIONER OF
BALTIMORE COUNTY

COPIES TO:

Mr. Oscar L. Gibson, Jr.
File

89-355-SPH

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
28th day of December, 1989

J. Robert Haines
ZONING COMMISSIONER

Petitioner Oscar L. Gibson, Jr., advised by: James E. Dyer
Petitioner's Attorney Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 27, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. & Mrs. Oscar L. Gibson, Jr.
14108 Howard Road
Dayton, MD 21036

RE: Item No. 254, Case No. 89-355-SPH
Petitioner: Oscar L. Gibson, Jr., et ux
Petition for Special Hearing

Dear Mr. Gibson:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer/jw

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

January 17, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 137, 236, 248, 249, 250, 251, 254, 256, 257, and 258.

Michael S. Flanigan
Traffic Engineer Associate II

MSP/lw

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

January 12, 1989

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Oscar L. Gibson, Jr. & Doris E. Brown

Location: 5522 Link Avenue

Item No.: 254

Zoning Agenda: Meeting of 12/27/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature]
Planning Group
Special Inspection Division

NOTED &

APPROVED: [Signature]
Fire Prevention Bureau

/s/

BALTIMORE COUNTY, MARYLAND INTER OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: February 23, 1989

FROM: Robert W. Bowling, P.E.

RE: Meeting of December 27, 1988

The Developers Engineering Division has reviewed the zoning items for the subject meeting. We have no comments for items 196, 236, 248, 249, 250, 251, 254, 256, 257 and 258.

Attached are our comments for Items 137 and the County Review Group comments for Item 242.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

Encls.